

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred House Bill No. 1192, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 13-23-5-1 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. **(a)** Subject to
5 section 2 of this chapter, **and except as provided in subsection (b)**, an
6 underground storage tank, whether of single or double wall
7 construction, may not be installed before the effective date of the rules
8 adopted under IC 13-23-1-2 for the purpose of storing regulated
9 substances unless:
10 (1) the tank will prevent releases due to corrosion or structural
11 failure for the operational life of the tank;
12 (2) the tank is:
13 (A) cathodically protected against corrosion;
14 (B) constructed of noncorrosive material;
15 (C) steel clad with a noncorrosive material; or
16 (D) designed to prevent the release or threatened release of
17 any stored substance; ~~and~~
18 (3) the material used in the construction or lining of the tank is
19 compatible with the substance to be stored; **and**
20 **(4) after July 1, 2007, all newly installed or replaced piping**
21 **connected to the tank meets the secondary containment**

requirements adopted by the board.

(b) An underground storage tank system that contains alcohol blended fuels composed of greater than fifteen percent (15%) alcohol is a petroleum UST system (as defined in 329 IAC 9-1-36 as in effect January 1, 2007) and may be installed during the period referred to in subsection (a) if the system is otherwise in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks and ancillary equipment, including dispensing equipment, used in the storing or dispensing of alcohol blended fuels for purposes of:

(1) IC 13-23-8-3(1)(A); and

(2) all other provisions of this article.

(c) Owners and operators of underground storage tank systems that store, carry, or dispense alcohol blended fuels composed of greater than fifteen percent (15%) alcohol and that comply with subsection (b) are considered to meet the standards of:

(1) compatibility under subsection (a)(3); and

(2) compliance for purposes of:

(A) IC 13-23-8-3; and

(B) all other provisions of this article.

SECTION 2. IC 13-23-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. For the purposes of section 2 of this chapter, the following amounts shall be used:

(1) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is not in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

(B) is in compliance on a date required under the requirements described under section 4 of this chapter at the time a release was discovered;

the amount is thirty-five thousand dollars (\$35,000).

(2) If the underground petroleum storage tank that is involved in the occurrence for which claims are made:

(A) is in compliance with rules adopted by the board concerning technical and safety requirements relating to the physical characteristics of underground petroleum storage tanks before the date the tank is required to be in compliance with the requirements; and

1 (B) is not a double walled underground petroleum storage
2 tank; ~~with and~~

3 (C) has piping that ~~has~~ **does not have** secondary containment;
4 the amount is thirty thousand dollars (\$30,000).

5 **(3) If the underground petroleum storage tank that is involved**
6 **in the occurrence for which claims are made:**

7 (A) is in compliance with rules adopted by the board
8 concerning technical and safety requirements relating to
9 the physical characteristics of underground petroleum
10 storage tanks before the date the tank is required to be in
11 compliance with the requirements;

12 (B) is not a double walled underground petroleum storage
13 tank; and

14 (C) has piping that has secondary containment;
15 the amount is twenty-five thousand dollars (\$25,000).

16 **(4) If the underground petroleum storage tank that is involved**
17 **in the occurrence for which claims are made:**

18 (A) is in compliance with rules adopted by the board
19 concerning technical and safety requirements relating to
20 the physical characteristics of underground petroleum
21 storage tanks before the date the tank is required to be in
22 compliance with the requirements;

23 (B) is a double walled underground petroleum storage
24 tank; and

25 (C) has piping that does not have secondary containment;
26 the amount is twenty-five thousand dollars (\$25,000).

27 ~~(5)~~ **(5) If the underground petroleum storage tank that was**
28 **involved in the occurrence for which claims are made:**

29 (A) is in compliance with rules adopted by the board
30 concerning technical and safety requirements relating to the
31 physical characteristics of underground petroleum storage
32 tanks before the date the tank is required to be in compliance
33 with the requirements; ~~and~~

34 (B) is a double walled underground petroleum storage tank;
35 ~~with and~~

36 (C) has piping that has secondary containment;
37 the amount is ~~twenty-five~~ **twenty** thousand dollars ~~(\$25,000).~~
38 **(\$20,000).".**

39 Page 2, after line 12, begin a new paragraph and insert:

40 "SECTION 4. [EFFECTIVE UPON PASSAGE] (a) An
41 underground storage tank system that contains fuel composed of
42 greater than fifteen percent (15%) alcohol is considered to comply

1 with IC 13-23-5-1(b), as added by this act, if either of the following
2 applies:

- 3 (1) The system predates the effective date of this act.
4 (2) The system predates the solid waste management board's
5 adoption after the effective date of this act of any additional
6 rules concerning technical and safety requirements for storing
7 and dispensing alcohol blended fuel.
8 (b) Replacement tanks or ancillary equipment installed in
9 existing underground storage tank systems storing or dispensing
10 alcohol blended fuels must meet the standards contained in
11 additional rules adopted by the solid waste management board as
12 described in subsection (a)(2) only if the installation occurs after
13 the adoption of those rules.

14 SECTION 5. An emergency is declared for this act.".

15 Renumber all SECTIONS consecutively.

(Reference is to HB 1192 as printed February 16, 2007.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 0.

Senator Gard, Chairperson